



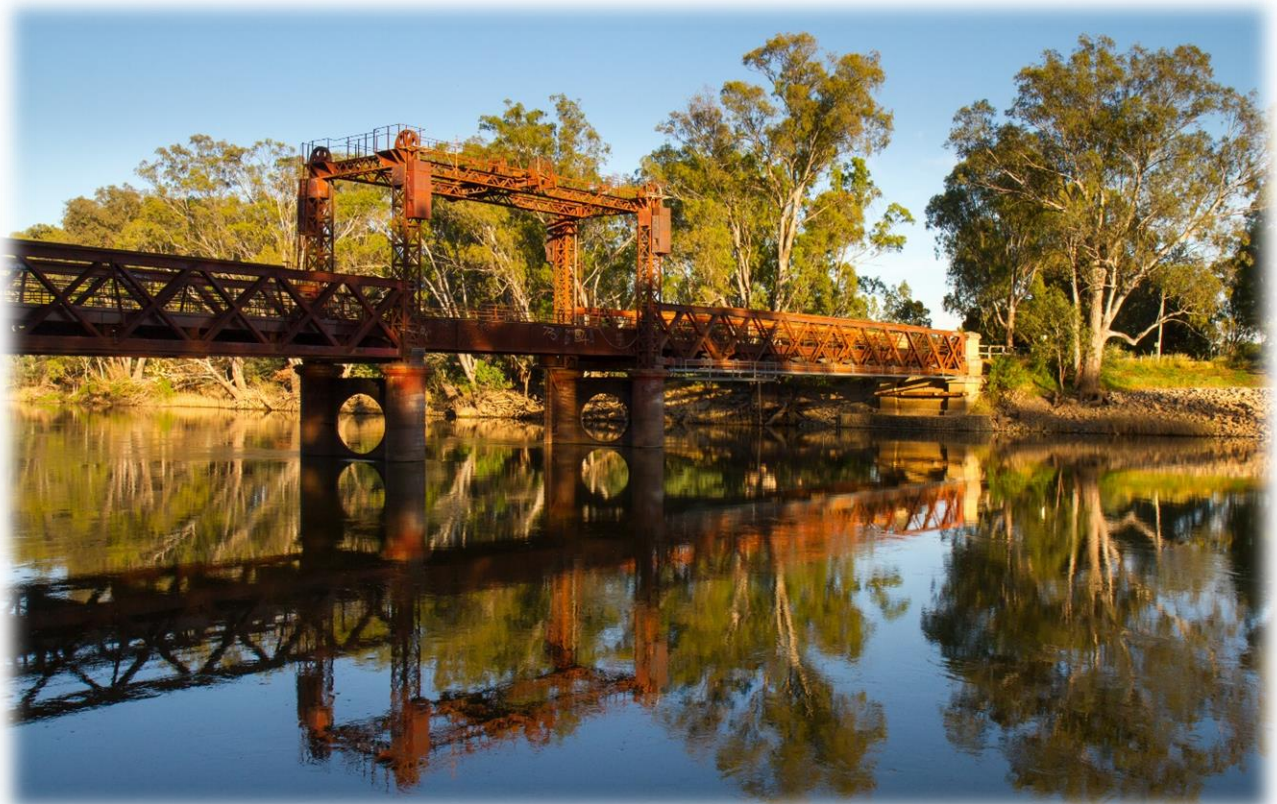
ORDINARY MEETING OF COUNCIL

Wednesday 9 October 2019

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 9th October, 2019** when the following business will be submitted:-

| | | |
|------|------------------------------------------------------------------------------------------------------------------------------|----|
| 1. | APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE | 4 |
| 2. | DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS | 4 |
| 3. | VISITORS..... | 4 |
| 4. | CONFIRMATION OF MINUTES..... | 4 |
| 5. | MAYORAL MINUTES | 4 |
| 6.1 | NOTICE OF MOTION..... | 4 |
| 7.1 | FINANCE - ACCOUNTS | 5 |
| 7.2 | NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS..... | 9 |
| 7.3 | NATIVE VEGETATION REMOVAL – SANDHILLS ROAD BERRIGAN | 10 |
| 7.4 | PECUNIARY INTEREST RETURNS..... | 13 |
| 7.5 | MURRAY REGIONAL TOURISM BOARD..... | 14 |
| 7.6 | AUSTRALIAN CITIZENSHIP CEREMONIES CODE | 16 |
| 7.7 | PASSWORD POLICY | 17 |
| 7.8 | REQUEST FOR CONTRIBUTION - SPORTIES HEALTH AND FITNESS CENTRE | 24 |
| 7.9 | CODE OF CONDUCT GIFT BENEFIT LIMITS..... | 27 |
| 7.10 | 2020 COUNCIL ELECTION..... | 33 |
| 7.11 | CENTRAL MURRAY COUNTY COUNCIL DEMERGER..... | 38 |
| 8.1 | MINUTES OF RAMJO MEETING | 39 |
| 8.2 | T05/19/20 SUPPLY, DELIVERY AND SPRAYING OF BULK CUT-BACK BITUMEN FOR 2019/2020 FINANCIAL YEAR..... | 40 |
| 8.3 | CONSTITUTIONAL REFERENDUMS AND POLLS..... | 41 |
| 8.4 | RATES AND CHARGES - 2019/2020 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – 1st QUARTER REPORT TO COUNCIL | 42 |
| 8.5 | IPART DETERMINATION OF RATE PEG FOR 2020/21 | 45 |
| 8.6 | LOCAL GOVERNMENT COMPARATIVES WEBSITE..... | 47 |
| 8.7 | DEVELOPMENT DETERMINATIONS FOR MONTH OF SEPTEMBER 2019 | 48 |
| 9. | COMMITTEES..... | 51 |
| 10. | MAYOR’S REPORT..... | 52 |
| 11. | DELEGATES REPORT..... | 53 |
| 12. | BUSINESS ARISING | 54 |
| 13. | CLOSE OF MEETING | |

No business, other than that on the Agenda, may be dealt with at this meeting unless admitted by the Mayor.

ROWAN PERKINS,
GENERAL MANAGER

| Item No. | Description | Nominator |
|-----------------|----------------------------------------------------------------|------------------|
| 7.1 | Finance - Accounts | |
| 7.2 | National Local Roads and Transport Congress | |
| 7.3 | Native Vegetation Removal – Sandhills Road. Berrigan | |
| 7.4 | Pecuniary Interest Returns | |
| 7.5 | Murray Regional Tourism Board | |
| 7.6 | Australian Citizenship Ceremonies Code | |
| 7.7 | Password Policy | |
| 7.8 | Request for Contribution – Sporties Health & Fitness Centre | |
| 7.9 | Code of Conduct Gift Benefits Limit | |
| 7.10 | 2020 Council Election | |
| 7.11 | Central Murray County Council Demerger | |



Council Meeting

Wednesday 9th October, 2019

BUSINESS PAPER

1. **APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS**

3. **VISITORS**

4. **CONFIRMATION OF MINUTES**
RECOMMENDATION: that the Minutes of the meeting held in the Council Chambers on Wednesday 18th September, 2019 be confirmed.

5. **MAYORAL MINUTES**
Nil

- 6.1 **NOTICE OF MOTION**
Nil

7.1 FINANCE - ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 12.066.1

RECOMMENDATION: that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2019, be received and that the accounts paid as per Warrant No. 09/19 totaling \$2,061,983.40 be confirmed.

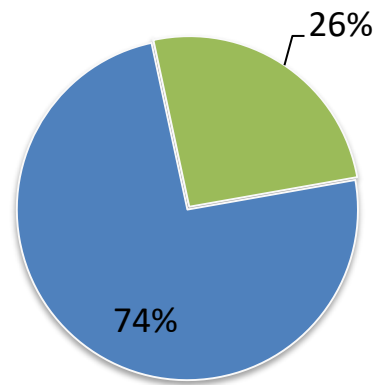
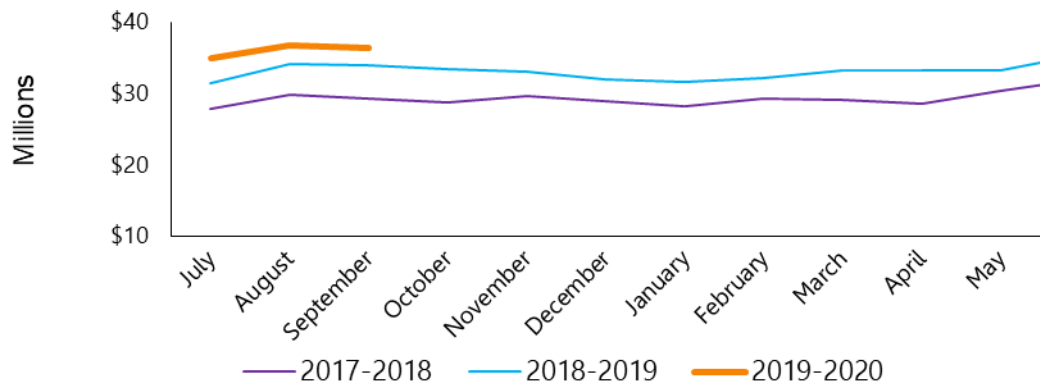
REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 September 2019 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 30 September 2019.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 September 2019, totaling \$2,061,983.40 and will be submitted for confirmation of payment as per Warrant No. 09/19
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) September has seen a slight decrease in total funds held at the end of August. This is in line with the general pattern in cash holdings over a year. Total funds expect to decrease marginally over the October period as large grant related commitments are paid.

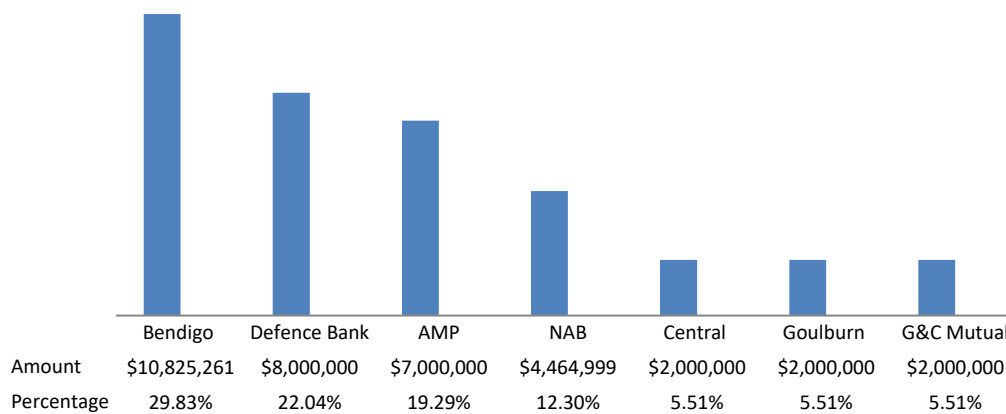
Council currently has an additional \$2.4M more in cash than the same time last year, although the bulk of this is once again attributable to the payment of Financial Assistance Grant in advance.

In the low interest environment, low risk investments are paying very poorly, and likely will for some time to come.

Total Cash and Investments



■ Term Deposits ■ At Call T-Corp ■ Cash at Bank



| Term Deposits Credited Back | | | | |
|------------------------------------|--------------------|-----------------|----------------------|----------------------|
| Prior Financial Institution | Term (Days) | Amount | Interest Rate | Maturity Date |
| BENDIGO BANK | 365 | \$ 2,000,000.00 | 2.30% | 13/09/2019 |
| AMP BANK | 182 | \$ 2,000,000.00 | 2.75% | 23/09/2019 |
| BENDIGO BANK | 365 | \$ 2,000,000.00 | 2.30% | 26/09/2019 |

| Term Deposits Invested / Reinvested | | | | |
|--------------------------------------------|--------------------|-----------------|----------------------|----------------------|
| Current Financial Institution | Term (Days) | Amount | Interest Rate | Maturity Date |
| BENDIGO BANK | 364 | \$ 2,000,000.00 | 1.45% | 11/09/2020 |
| AMP BANK | 182 | \$ 2,000,000.00 | 1.75% | 23/05/2020 |
| BENDIGO BANK | 365 | \$ 2,000,000.00 | 1.60% | 25/09/2020 |

7.2 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Strengthen strategic relationships and partnerships with community, business and government

FILE NO: 04.039.1

RECOMMENDATION: That Cr and the Director Technical Services attend the 2019 National Local Roads and Transport Congress to be held in Hahndorf, South Australia from the 18th to the 20th November, 2019.

REPORT:

Registration information has been released for the 2019 National Local roads and Transport Congress to be held in Hahndorf, South Australia from the 18th to the 22nd November, 2019.

The theme of the Congress is *Breaking Through for Modern Transport* and it explores the future of transport mobility, the value of working with all levels of government and the private sector to plan and deliver integrated infrastructure, and exciting new innovations in transport.

A copy of the program for the Congress is attached as **Appendix "A"**.

The Congress has generally been attended by the Director Technical Services and one Councillor. I am recommending that we continue to support this important event as good attendance numbers highlight the continuing importance of roads and transport funding to the higher levels of government.

7.3 NATIVE VEGETATION REMOVAL – SANDHILLS ROAD BERRIGAN

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 09.121.2

RECOMMENDATION: That the Council, having considered the content of the Test of Significance report prepared by DJC Environmental Consulting for The Upgrade Of Sandhills Rd, Berrigan, authorise the removal of native vegetation to allow for road construction to address safety issues pursuant to the authority provided in the *Roads Act 1993 – Section 88 Tree felling* and that all works be carried out in accordance with the guidance provided in the Test of Significance report prepared by DJC Environmental Consulting for The Upgrade Of Sandhills Rd, Berrigan.

REPORT:

The Council is proposing to upgrade a section of Sandhills Road, Berrigan that is currently dry weather only, to all weather access to primarily cater for heavy vehicles accessing surrounding farms.

Sandhills Road is classified as a Property Access Road in the Council's Road Hierarchy and the adopted clearzone for this class of road, as set out in the Council's Roadside Hazard Treatment Policy is 5m from the centreline or the distance required for table drain maintenance.

The proposed works are designed to comply with these policies and will address many of the existing safety issues.

The Roads Act 1993 provides provision for tree felling as follows:

88 TREE FELLING

A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard.

While this legislation provides the authority for the Council to fell trees for roadworks without considering the implications of other legislation it is reasonable that the Council consider the environmental effects of the works before deciding that they proceed. This allows the Council to make a balanced decision on the benefits provided by the works compared to the costs to the environment.

In order to satisfy this balance and to ensure the environment of the area is not significantly degraded, the services of a suitably qualified consultant were sought to prepare a 'Test of Significance' report for the proposed works.

DJC Environmental Consulting were engaged for this project and the following excerpt from the report prepared better explains the purpose of the report.

1.1 Purpose

The 'Test of Significance' refers to the factors that must be considered by decision makers to assess whether a proposal is likely to have a significant effect on threatened biodiversity ("5 part test") as per section 7.3 of the Biodiversity Conservation Act 2016 (BC Act). The threatened species test of significance is used to determine if a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. It is applied as part of the Biodiversity Offsets Scheme entry requirements and for Part 4 activities under the Environmental Planning and Assessment Act 1979 (OEH, 2018).

Additionally Under Part 5 of the EP&A Act, it is the responsibility of the Council to ensure no harm to any threatened species therefore an Test of Significance (as required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000) is a measure to be completed when impacts on threatened species or communities are a possibility. As part of this process the determination should be competed to determine if the development exceeds the biodiversity offsets scheme threshold.

In addition to fulfilling this statutory requirement, the aim of undertaking a Test of Significance is to improve the standard of consideration and protection afforded to threatened biodiversity in planning and decision-making processes (DECCW, 2004). The outcome of any threatened biodiversity assessment should be that developments, activities and actions are undertaken in an environmentally sensitive manner and that appropriate measures are adopted to avoid or minimise adverse effects on threatened biodiversity (DECCW, 2004). While the 'Assessment of Significance' has been updated since this information was reflected by then Department of Environment, Climate Change & Water (DECCW), now Office of Environment and Heritage (OEH), it is still relevant.

This report addresses the Factors of Assessment (5 Part Test) and provides a Test of Significance on the proposal to complete an upgrade to Sandhills road between the Boxwood Rd intersection and the Piney Road intersection to the south-west of Berrigan which will require the removal and lopping of some native vegetation.

A copy of the report is attached at **Appendix "B"** for Councillors consideration.

The conclusion of the report is that the activities as proposed will not have a significant effect on any of the identified threatened species and ecological communities and their conservation as noted within the report.

Because of the extensive penalties associated with the Biodiversity Conservation Act 2016 and other environmental legislation a resolution of the Council authorising these works is sought to protect staff in the unlikely event of prosecution for damaging the environment.

The Council should consider the consequences of the proposed works on the environment and be satisfied that they will not have a significant effect on any of the identified threatened species and ecological communities and their conservation that is not more than balanced by the benefits of constructing a safer road.

7.4 PECUNIARY INTEREST RETURNS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 13.045.2

RECOMMENDATION: that the Council note the tabling of Pecuniary Interest Returns received from Councillors and designated officers for the period 1st July, 2018 to 30th June, 2019.

REPORT:

Tabled at this meeting are Pecuniary Interest Returns as required and in accordance with Section 450a of the Local Government Act duly completed by:

Councillors
Matthew Hannan
Daryll Morris
John Bruce
Colin Jones
Denis Glanville
Ross Bodey
John Taylor
Roger Reynoldson

Designated Officers: Rowan Perkins (General Manager)
Matthew Hansen (Director Corporate Services)
Matthew Clarke (Director Technical Services)
Fred Exton (Engineering Services Manager)
Laurie Stevens (Development Manager)
Matthew Miller (Building Surveyor)
Michelle Koopman (Enterprise Risk Manager)
Carla von Brockhusen (Finance Manager)
Merran Socha (Economic Development Officer)
Elizabeth Schindler (Town Planner)
Jo Ruffin (Strategic & Social Planning Coordinator)
Gary George (Assets & Operations Manager)
Alan Kay (Environmental Engineer)
Nathan O'Connell (Project Manager)

7.5 MURRAY REGIONAL TOURISM BOARD

AUTHOR: Economic & Industry Development Liaison

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Diversify and promote local tourism

FILE NO: 08.078.1

RECOMMENDATION: That the Council approve a one year extension (1 July 2020 to 30 June 2021) to the funding agreement with the Murray Regional Tourism Board.

REPORT:

The Murray Regional Tourism Board (MRT) was formed in 2010 to establish an overarching organisation to contribute to the development and growth of tourism in the Murray region. MRT is a cross- border organisation and is made up of the following partner Councils:

| NSW Local Government Partners | Victorian Local Government Partners |
|-------------------------------|-------------------------------------|
| Albury | Wodonga |
| Greater Hume | Moira |
| Federation | Campaspe |
| Berrigan | Gannawarra |
| Edward River | Swan Hill |
| Murray River | Mildura |
| Wentworth | |

All existing Council partners have three-year funding agreements with MRT. These agreements run from 1 July 2017 to 30 June 2020. As per clause 9.2 of the agreement, negotiations to renew or renegotiate the agreement must be completed by 31 December 2019.

At MRT's August Board meeting, the Board resolved to approach all member Councils and seek a one-year extension to the current funding agreement. This decision and request was made on the basis of the following:

- In Victoria the Regional Tourism Review is underway. Outcomes from this review aren't expected to be known until 2020 and the outcomes from this review may alter the approach to regional tourism in Victoria and as a result impact on MRT.

- In NSW MRT are currently renegotiating a three to four year funding agreement with the State Government. Outcomes from this negotiation may also impact on the operations of MRT.

As a result of these two factors MRT has resolved to seek the support of each partner Council to extend the current funding agreement by one year. It is expected that this extension will allow the work being undertaken in Victoria and NSW to be completed and for MRT and all Councils to have a clear picture of the future regional tourism environment.

A one year extension would result in a roll-over of the current funding agreement until 30 June 2021 and require MRT to complete negotiations with all member Councils on a longer term funding agreement by 31 December 2020.

It is proposed that the funding agreement document would remain the same and all clauses and conditions would still apply. Each Council's financial contribution would be calculated as per the current agreement and there would be a 2% CPI increase on the 2019/20 figure bringing the 20/21 contribution to \$14,966.

The cross-border approach to tourism in the Murray region has been effective. Entering into a one-year agreement with MRT allows continuity whilst also protecting the Council's interests. This extension provides the Council with flexibility to review and understand the outcomes from work currently being undertaken by the State Governments in both Victoria and NSW.

7.6 AUSTRALIAN CITIZENSHIP CEREMONIES CODE

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 02.031.1

RECOMMENDATION: that the Council note the application of the new Australian Citizenship Ceremonies Code and require smart casual dress as a prerequisite for attendance at citizenship ceremonies

REPORT:

The Hon David Coleman MP Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs has written to advise of a new version of the Australian Citizenship Ceremonies Code.

A copy of the Code is circulated with this agenda as **Appendix "C"**

Key changes to the Code are:

- Local government councils must ensure ceremonies are conducted in accordance with the Australian Citizenship Ceremonies Code. This includes a requirement to hold a citizenship ceremony on Australia Day (January 26). Councils that conferred citizenship on less than 20 people in the previous year are exempt from this requirement.
- Federal Members of Parliament, if attending a citizenship ceremony, should read the Minister's message; and
- Individual councils are to establish a Dress Code for ceremonies, to reflect the significance of the occasion, and provide a copy of their Dress Code to the Department of Home Affairs.

The only issue of significance in the above is the adoption of a dress code. I don't believe that an actual "code" as the Council expect is required and a statement of the required standard of dress as expressed in the above recommendation should suffice.

There are some other minor details that should be addressed and staff will implement these.

7.7 PASSWORD POLICY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 17.048.1

RECOMMENDATION: That the Council adopt the Password Policy as set out below.



Policy

00. PASSWORDS

Version 00

File Reference No:

Strategic Outcome: Good government

Date of Adoption: 21/08/2019

Date for Review: 18/08/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

Berrigan Shire Council is committed to maintaining a robust and secure Information and Communication Technology (ICT) environment. A key control measure used by the Council to meet this commitment is password control

2. PURPOSE

The purpose of this Policy is to:

- Ensure passwords gaining access to Council information and services are secure

3. SCOPE

This policy applies to:

- all passwords used on any item connected to the Council's Information Technology network
- all passwords used to access Council information and services hosted on the Cloud

4. OBJECTIVE

This Policy is designed to assist the Council meet the following Delivery Program objective



Policy

2.1.3.6 Provide information technology and associated support for Council operations

5. DEFINITIONS

| | |
|---------------------------|--------------------------------------------------------------------------------------|
| Cloud: | Hosted information and communication services delivered over the internet |
| IT Network: | A group of computers and other equipment linked by physical or wireless connections. |
| Council officials: | as defined in the Berrigan Shire Council Code of Conduct |

6. POLICY IMPLEMENTATION

6.1 General

All Council officials are to follow routine password security requirements.

Council officials must:

- Never share passwords across functions – i.e. use a different password for network access, for the Council's management software and for any cloud functions
- Never share passwords with other users – unless the password is a generic Council username **and** approved by the Director Corporate Services.
- Never re-use the same password twice
- Never write passwords down
- Always log off or lock IT equipment & devices when unattended

6.2 Register

The Council will maintain a register of all access points that require a password. The register will include at a minimum:

- an assessment of the risk of unauthorised access,
- the complexity requirements for the password, and
- maximum time between password changes.

6.3 Requirements



Policy

6.3.1 Time

All passwords providing access to Council's ICT network or information must be changed at regular intervals.

The following maximum periods between password changes apply:

| Service | Requirement |
|----------------------------------------|----------------------|
| IT network (including the mail server) | Every 42 days |
| Cloud websites & services | Every 6 months |
| Management software | Every financial year |
| Banking | Every financial year |

Passwords granting administrator rights for the IT network and Council's management software are to be changed annually.

For other services, the length of the interval will be determined by the Director Corporate Services based on an assessment of the risk of unauthorised access.

6.3.2 Complexity

All passwords providing access to Council's ICT network or information must meet minimum complexity requirements.

The following complexity requirements apply;

| Service | Requirement |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IT network (including the mail server), | <ul style="list-style-type: none"> • At least eight (8) and no more than twelve (12) characters, and • At least one: <ul style="list-style-type: none"> ▪ Upper case letter ▪ Lower case letter ▪ Numeric (0-9) ▪ Non-alphanumeric character (Special character i.e. !, @, ^, [, >, :, *, ~) |
| Cloud websites & services | |
| Management software | |
| Banking | |



Policy

For other services, the complexity requirements will be determined by the Director Corporate Services based on an assessment of the risk of unauthorised access.

6.3.3 Multi-factor authentication

Where available multi-factor authentication will be used for access to key services.

Multi-factor authentication must be used to access the Council's banking service.

6.4 Enforcement

Where possible, the Council will use software-based tools to enforce compliance with this policy.

Where this is not possible, the onus is on the Council official to ensure that he/she complies with the requirements of the policy.

Initial breaches of this policy will be dealt with via education and training. Further breaches may lead to disciplinary action as per the Local Government (State) Award

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- [Local Government Act 1993](#)
- Local Government (State) Award 2017

7.2 Council documents

- [Berrigan Shire Council Code of Conduct](#)
- Information and Communication Technology Strategic Plan 2019-2024
- [Communication Devices Policy](#)
- [Information and Communication Technology Policy](#)

7.3 Other resources

- [NSW Office of Cybersecurity - password tips](#)

REPORT:

Since being made responsible for the audit of NSW local government authorities, the NSW Audit Office has made local government's use of information and communication technology, and specifically cyber security, a major focus area.

Cyber security can be simply defined as the protection of computer systems connected to the internet. The main cyber security risks to the Council are:

- Loss, theft or misuse of Council data
- Impairment of Council functionality, either temporary or permanent – i.e. unable to access a hosted service.

In its 2017-18 Interim Management Letter to the Council, the NSW Audit Office made the following recommendation:

The Council should implement formal policies covering all critical IT processes.

The policy should be:

- *available to all relevant users and be subject to periodic update and review (including when significant system or process changes occur)*
- *supplemented by additional standards and guidelines as necessary*

To this end, the Council has adopted an [Information and Communication Technology Policy](#) and is working on a suite of associated procedures.

Identified in the development of these procedures was the need for a policy providing clear direction around passwords.

Passwords are the main method of access control for data and hosted services – for Council and others. This is because they are simple inexpensive, and convenient to use and implement. However, this ease of use comes at a cost – passwords are a weak form of protection and extremely easy to exploit. A network may have very many passwords and only one needs to be compromised to allow a criminal access to the entire network – making the network only as strong as its weakest password.

The Australian Cyber Security Centre prepared a set of strategies to mitigate cyber security incidents with the most effective known as [the Essential Eight](#). To mitigate the risk of using passwords, the Essential Eight recommends the use of multi-factor authentication.

Multi-factor authentication includes Universal 2nd Factor security keys, physical one-time password tokens, biometrics, smartcards, mobile app one-time password tokens, SMS messages, emails, voice calls or software certificates. Using multi-factor authentication will significantly improve network security however this comes at a cost – either in dollar terms, in time and effort or in loss of flexibility.

It is a matter of finding the balance then between security and ease of use.

This policy, once adopted, will require the Council to:

- Maintain a register of all access points to Council data or functions, and
- Assess the likelihood and consequences of unauthorised access for each access point, and on that basis

- Set the password requirements for each access point.

Higher risk data and applications, such as the Council's banking and investment systems, will require higher levels of password protection. For example, the Council's banking system currently includes the use of a mobile app one-time password token and the Council's access to the ATO portal uses a software certificate. Other systems may not require the same level of protection and a password may be sufficient.

7.8 REQUEST FOR CONTRIBUTION - SPORTIES HEALTH AND FITNESS CENTRE

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 02.163.1

RECOMMENDATION: that the Council pursuant to s356 of the Local Government Act and having received no submissions in relation to its proposal to provide a grant to Sporties, grant \$8,850 to Sporties to prepare a compliance condition assessment of its health and fitness centre.

REPORT:

The Council, at its August 2019 meeting considered the following report:

The Council has received a request from Sporties for financial assistance with the preparation of a compliance condition assessment of its health and fitness centre.

The Club is requesting \$8,850 to prepare an independent report that will assess compliance and develop 5 and 10 year and capital and maintenance programs.

The Club sees this independent assessment is a critical component of assess to future grant funding.

Whilst the Club is asking the Council to meet the cost of this report, it advises that it too is investing in its growth and efficiency through development of a Precinct Master Plan, Golf Course planning and reviews of electricity and water use.

Traditionally, if the Council received such a request it would likely decline it however there are some features of this request that somewhat mitigate that negative stance.

Firstly, is that the Council already recognises the contribution that the Club makes in proving the indoor pool for the wider area and particularly Barooga by making an annual contribution to the Club of an amount equivalent to the facilities annual rates. Importantly, this contribution is significantly less than it would cost the Council to develop and operate any sort of swimming pool for the Barooga community.

Secondly, is that the facility provides a higher level of service than any of the Council's own pools in that it operates all year and has the capacity to provide a range of programs that would otherwise not be available to the community.

The Club estimates that of its NSW enrolments, 38% come from Barooga, 24% are from Finley, 22% from Tocumwal and 16% are from Berrigan.

Thirdly, the facility is the only operation within that provides a range of health and fitness activities under one roof.

The Club subsidizes the operation by approximately \$800k pa.

The concern with making the requested contribution is that the Council may open itself to similar requests, however on balance it is believed that the above, three factors differentiate from similar requests.

If the Council supports the requested contribution it would need to make this decision only after completing the process required by s356 of the Local Government Act, which is set out below:

356 Can a council financially assist others?

- 1. A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- 2. A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- 3. However, public notice is not required if:*
 - a. the financial assistance is part of a specific program, and*
 - b. the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - c. the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - d. the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
 - e. Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

With the delay of this Council meeting, compliance with the 28 day public notice provision means that a final decision would not be able to be made until the October 2019 Council meeting.

This delay in making a decision is compounded by the fact that I overlooked this request which should have been presented to the July 2019 Council meeting.

This report also needs to be considered in light of a separate report, elsewhere in this agenda regarding the October 2019 Council meeting date.

The Council advertised its proposal to provide financial assistance to Sporties in accordance with S356 and received no submissions in relation to it.

Assuming that the Council still proposes to support the request the above recommended is provided.

7.9 CODE OF CONDUCT GIFT BENEFIT LIMITS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 13.045.3

RECOMMENDATION: For discussion

REPORT:

The Council has received the following from the Hon Shelley Hancock MP Minister for Local Government, the contents of which are self-explanatory.

By now, your council will have adopted a new code of conduct based on the Model Code of Conduct for Local Councils in NSW (Model Code of Conduct).

As you would be aware, the new Model Code of Conduct sets for the first time a monetary threshold on the value of gifts that may be accepted by council officials. The Office of Local Government (OLG) consulted with councils and integrity agencies such as the NSW Ombudsman and the Independent Commission Against Corruption, in setting that threshold at \$50. The threshold now applies uniformly to all council officials including both councillors and council staff.

Out of the 95 submissions received in response to the consultation draft of the Model Code of Conduct, only 5 raised concerns about the \$50 cap on the value of gifts that may be accepted by council officials.

I have since been approached by a number of mayors and councillors, who have raised concerns with me about the appropriateness of the \$50 cap on the value of gifts that may be accepted by councillors. In particular, it has been suggested that the cap on the value of gifts that may be accepted by councillors should be raised to \$500.

I am interested to hear the views of other councils on this matter. In particular, I would be interested to hear councils' views on the following:

- *Whether \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by councillors.*
- *If the \$50 cap on the value of gifts that may be accepted by councillors is not appropriate, at what value should it be set?*
- *If it is suggested that the cap on the value of gifts that may be accepted should be raised, should it be raised uniformly for all council officials, or should it just*

be raised for councillors and the \$50 cap retained for other council officials such as council staff.

If it is suggested that the cap on the value of gifts that may be accepted should be raised for councillors and not for other council officials such as council staff, why does your council believe that councillors should be subject to a different standard than the one that applies to other classes of council officials in relation to the acceptance of gifts.

The \$50 cap, referred to above, is reflected in the Council's Code of Conduct which reflects the model code. The relevant section of the Council's Code of Conduct is set out below:

PERSONAL BENEFIT

For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

A reference to a gift or benefit in this Part does not include:

- a) a political donation for the purposes of the [Electoral Funding Act 2018](#)*
- b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them*
- c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or*
- d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:*
 - i) the discussion of official business*
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops*
 - iii) conferences*
 - iv) council functions or events*
 - v) social functions organised by groups, such as council committees and community organisations.*

Gifts and benefits

You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the

provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

You must not:

- a) seek or accept a bribe or other improper inducement*
- b) seek gifts or benefits of any kind*
- c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty*
- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9*
- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount*
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser*
- g) personally benefit from reward points programs when purchasing on behalf of the council.*

Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council’s gift register:

- a) the nature of the gift or benefit*
- b) the estimated monetary value of the gift or benefit*
- c) the name of the person who provided the gift or benefit, and*
- d) the date on which the gift or benefit was received.*

Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month

period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

When the Council made its original submission in relation to the draft Model Code of Conduct this \$50 gift limit was raised as an issue because:

- The fact that it was an “aggregate” gift limit meant that there was potential to not have kept records when a later event now made something that was originally not a gift now a gift in terms of the Code of Conduct i.e. “ a friend of mine gave me a bottle of wine or who I have a cup of coffee with each week then lodges a subdivisional plan with the Council”; and
- The limit is so small to, in its own right, convey a message that all Council officials are untrustworthy; and
- The limit is so small that it even precludes a preliminary meeting in relation to a potential proposal over lunch.

In relation to the Ministers questions the following responses are suggested for the Council’s consideration:

Whether \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by councillors.

The cap is considered inappropriate because:

- It is an aggregate cap that requires an inappropriate level of record keeping particularly in relation to unknown forward events;
- The \$50 cap conveys a message of a lack of trust or honesty;
- The cap precludes the most basic of cordial relations particularly when viewed as an aggregate.

If the \$50 cap on the value of gifts that may be accepted by councillors is not appropriate, at what value should it be set?

\$200 appears to be a reasonable balance between “trivial” gifts that reflects good relations and are unlikely to convey any concept of dishonest and corrupt activity and gifts that draw one to a level of concern regarding the basis for the gift.

If it is suggested that the cap on the value of gifts that may be accepted should be raised, should it be raised uniformly for all council officials, or should it just be raised for councillors and the \$50 cap retained for other council officials such as council staff.

The cap should be uniform to provide for consistency and certainty i.e. the Mayor and General Manager have a business lunch with a project proponent to a similar value with different rules applying to each.

7.10 2020 COUNCIL ELECTION

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 13.055.1

RECOMMENDATION: That the Council:

1. *pursuant to s. 296(2) and (3) of the Local Government Act 1993 that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*
2. *pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.*
3. *pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.*

REPORT:

As Councillors may be aware the next ordinary Council election will be held during September 2020.

In terms of the conduct of the actual election the Council, broadly, has two options open to it.

Firstly, the Council may engage the NSW Electoral Commission to conduct the entire election.

Secondly, the Council may engage a third party to conduct most of the election. A third party cannot complete certain aspects of the election process such as compilation of voters' rolls.

The Council itself, via the General Manager, is no longer able to conduct the election.

Since the NSW Electoral Commission began conducting the Council's elections, cost has been a primary concern with its costs being approximately triple the Council's historic cost. There have been no concern with the actual service provided by the NSW Electoral Commission.

In normal circumstances a Council is required to advise the Electoral Commission 18 months prior to the election whether it intends to engage its services or whether it intends to use a private contractor.

To this end the Council made the following resolution at its January 2019 meeting:

That the Council resolves:

- 1. pursuant to s. 296(2) and (3) of the Local Government Act 1993 that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*
- 2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.*
- 3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.*

Following this resolution the State had IPART conduct a review of the costs that Councils paid to the NSW Electoral Commission for its services in conducting their elections.

Given the commencement of the review the State amended the Local Government Act to require Councils to advise the NSW Electoral Commission of its intentions by 1st October 2019.

The summary outcome of this review was that Councils should pay the whole of the Commission's costs related to the election as opposed to the previous positions where Councils met the marginal cost i.e. the extra costs incurred by the Commission in conducting the elections.

Given the completion of the IPART review the obvious additional costs the Council has been advised of two important factors on the 26th September 2019. That is, two business days before the legislated response date to the NSW Electoral Commission of 1st October 2019.

Initially, the Minister for Local Government announced that, given the results of the IPART review and the obvious additional and unbudgeted costs to be passed on to Councils, the State would contribute \$19.9m to offset these additional costs. Further advice was received from the Office of Local Government was that the State's contribution would reduce the weighted average cost per elector from \$12.72 to \$8.21.

The Council then received its cost estimate from the NSW Electoral Commission for the conduct of the 2020 election which was \$103,705 ex GST.

This cost estimate equates to an average cost per elector of \$17.85 – more than double the headline weighted average cost of \$8.21 touted by the Office of Local Government.

In terms of overall cost increases experienced by the Council in having the NSW Electoral Commission conduct its elections the following sets out the current situation;

| Description | Cost | % Increase | Comment |
|------------------------------------------------------------|-------------|-------------------|------------------------------------------------------------------------------------------------|
| Last Council conducted election | \$20,000 | | Approximate historical cost |
| 2012 election conducted by NSWEC | \$57,000 | 285% | First election conducted by NSWEC |
| 2016 election conducted by NSWEC | \$61,000 | 7% | |
| 2018 by election conducted by NSWEC | \$46,000 | | Reason for cost reduction from previous election unknown |
| 2020 election estimate to have election conducted by NSWEC | \$104,000 | 70% | Total gross increase over the Council's historical cost with no allowances for CPI etc. = 520% |

The NSW Electoral Commission was contacted to clarify why, despite the State's additional contribution the Council's cost had nevertheless increased by 70% since the last ordinary election. The information received was:

- Increased compliance costs around cyber security;
- Staff cost increases as payments to staff engaged on election day did not meet minimum wage standards;
- For reasons of staff security an additional deputy position was required at each polling place;
- There was now a 10.30pm curfew for staff;
- The Dept. of Education has significantly increased the cost of venue hire.

The Council may be able to reduce venue hire cost through the use of its own facilities and by sharing a Returning Officer, however even with these the cost increase will still be very significant.

It should also be noted that despite the significant increase in cost there has been no material increase in outcomes for either the Council or electors and from the Council's perspective it has merely resulted in a cash transfer from the community to the State.

Aside from the estimated cost increase of the conduct of the election if the NSW Electoral Commission is engaged is the fact the Council's ability to explore alternative providers is very limited unless the Council ignores the already passed date to advise the NSW Electoral Commission of its intentions. It is noted that the Office of Local Government has advised that:

- *Section 296(5) of the Act empowers the Commissioner to enter into an arrangement to administer a council's elections after the statutory deadline of **1 October 2019** for a decision on the administration of the council's elections if satisfied that there are exceptional circumstances that make it desirable or necessary for him to do so.*
- *The Commissioner has formed the preliminary view that constraints placed on councils in the context of the timing of the IPART review constitute 'exceptional circumstances' for the purposes of section 296(5).*
- *If a council cannot pass the requisite resolution to enter into an election arrangement with the Commissioner on or before **1 October 2019**, it should provide its resolution to the Commission as soon as possible after that date to enable the Commissioner to consider the resolution pursuant to section 296(5) of the Act.*
- *To enable the Commission to adequately plan for council elections, any contracts must still be signed and returned to it no later than **1 January 2020**.*

In terms of use of alternative service providers, the Council could ignore the 1st October 2019 date as provided for above and attempt to source a contractor on its own or as a joint arrangement with other Councils or RAMJO. The issue with jointly seeking an alternative service provider is the fact that it would probably require a tender process which would involve a process of about six weeks which may be doable but very tight.

Again, when considering the potential to use alternative providers the Council finds itself pushed into a corner where this is probably not possible as was the case at the 2016 election.

In terms of using an alternative election services provider the Office of Local Government advises:

- *Under section 296AA of the Local Government Act 1993 (the Act), each council must resolve either: to enter into an election arrangement with the Commissioner to administer all the council's elections, polls and constitutional referenda; or*
- *that the council's elections are to be administered by an electoral services provider engaged by the council.*

- *Where the council resolves that the council's elections are to be administered by an electoral services provider engaged by the council, the resolution must specify whether the general manager has identified an electoral services provider to be engaged for the next ordinary election of councillors and, if so, the name of that provider.*

If the Council resolves to engage the NSW Electoral Commission to conduct the 2020 election it raises a series of related issues, some of which are:

- The ongoing trend of the State, in effect requiring to use its services at an exorbitant cost. Aside from the above, the Council is now required to use the Auditor General to conduct the audit of its financial statement which has seen the historic cost of these services increase from about \$19,000 pa to about \$43,000 which is an increase of 226% over two years, again, with no material increase in outcomes to the community or the Council itself.
- IPART has recently released the allowable ordinary rate increase for Council based on its Local Government Cost Increase model and calculated at 30th June 2019. So, despite being involved in proposing a significant cost increase for Councils it would appear that this has not been included as it was not advised to Councils until 26th September 2019. This increased cost amount to about a 1% increase in rates on a one off basis.
- The State through increased audit, election, compliance and energy transmission costs is creating the greatest single impact on the Council's ability to deliver front line services, mainly through gold plating. This will only increase through the implementation of the Audit and Risk Committee guidelines and increased insurance costs for emergency services workers.

Regardless of the Council's position in relation to the conduct of the 2020 election, the Council could consider making representations to its local State member and the Minister for Local Government regarding the level of cost increases that are being imposed on Councils by the State and the impact this is having upon its ability to provide services to the community.

**7.11 CENTRAL MURRAY COUNTY COUNCIL
DEMERGER****AUTHOR:** Director Technical Services**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife**FILE NO:** 11.160.1**RECOMMENDATION:** That the Council:

1. Receive quarterly reporting of progress against the weeds action plan in line with the current Integrated Planning and Reporting frequencies;
2. Engage private works for weed and pest control at the discretion of the General Manager; and
3. Develop fees and charges for the engagement of private works for weed and pest control

REPORT:

As a result of the dismissal of Central Murray County Council (CMCC), Berrigan Shire Council has gained two additional staff and a number of assets. Currently the staff are still transitioning in the Berrigan Shire Council and a few items that require council direction have arisen.

Generally, Berrigan Shire Council does not regularly seek out private works for income nor does it conduct work outside of the local government area (LGA) due to negative impacts on the local economy and resource management difficulties, however, CMCC had previously taken on a significant amounts of private works within the Riverina and Murray region.

In the 17-18 financial year CMCC generated \$431,370.90 from private works which formed 41.73% of the income for CMCC.

In the 18- 19 financial year CMCC generated \$245,131.73 from private works which formed 29.37% of the income for CMCC.

The negative impacts on the economy is that if Berrigan Shire Council engages competitively in actively seeking private works said work has been taken from individuals in the Berrigan Shire Council thus reducing the possible job opportunities in the economy. However, at present staff are unaware of any private weed and pest control companies established in the Berrigan Shire Council LGA.

RECOMMENDATION – that Items for Noting numbered 8.1 to 8.7 inclusive be received and noted.

8.1 MINUTES OF RAMJO MEETING

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 14.099.2

REPORT:

Circulated with this agenda as **Appendix “D”** are the minutes of the RAMJO meeting held on 28th August 2019.

The Council was not represented at this meeting due to a clash with the August Council meeting.

Also circulated with this agenda as appendices are:

- RAMJO submission to the Regional Connectivity Program (**Appendix “E”**);
- RAMJO letters regarding GP solutions (**Appendix “F”**); and
- RAMJO submission to the draft regional agriculture strategy (**Appendix “G”**).

8.2 T05/19/20 SUPPLY, DELIVERY AND SPRAYING OF BULK CUT-BACK BITUMEN FOR 2019/2020 FINANCIAL YEAR

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: T05/19/20

REPORT:

It is anticipated that the Berrigan Shire Council will spend more than \$250,000 inclusive of GST on the supply, delivery and spraying of bulk cut-back bitumen for the 2019/2020 financial year.

In accordance with Clause 163 of the Local Government (General) regulation 2005, Berrigan Shire Council has accepted a quotation from DOWNER EDI WORKS PTY LYD for the estimated total amount of \$600,000 through the Local Government Procurement Contract for Bitumen, Emulsions and Asphalt Materials and Services (LGP213).

The Contract for the supply, delivery and spraying of bulk cut-back bitumen for 2019/2020 financial year is a schedule of rate contract subject to rise and fall based on the price of bitumen supplied by Bitumen Importers Australia (B.I.A) which was \$1,170 GST per tonne at the time quotation.

Submissions were received from:

- COLAS NSW
- FULTON HOGAN INDUSTRIES PTY LTD
- DOWNER EDI WORKS PTY LTD
- BITUPAVE PTY LTD T/A BORAL ASPHALT

8.3 CONSTITUTIONAL REFERENDUMS AND POLLS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 13.055.1

REPORT:

As Councillors may be aware the next ordinary Council election will be held during September 2020.

Given the conduct of the election the Council has the opportunity to conduct any constitutional referendums that it may choose to in concert with the election.

Under section 16 of the *Local Government Act 1993*, a council must obtain the approval of its electors at a constitutional referendum to do each of the following:

- divide a council area into wards or abolish wards
- change the number of councillors
- change the method of electing the mayor
- change the method of election for councillors where the council's area is divided into wards.

A council may take a poll of electors for its information and guidance on any matter.

Staff are not aware of any need for any of the above, however, if the Council does wish to proceed with a referendum or a poll however if it does wish to proceed then it needs to inform the NSW Electoral Commission by 9th December 2019.

If a referendum is conducted any changes would apply from the 2024 election.

8.4 RATES AND CHARGES - 2019/2020 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – 1ST QUARTER REPORT TO COUNCIL

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 25.138.1

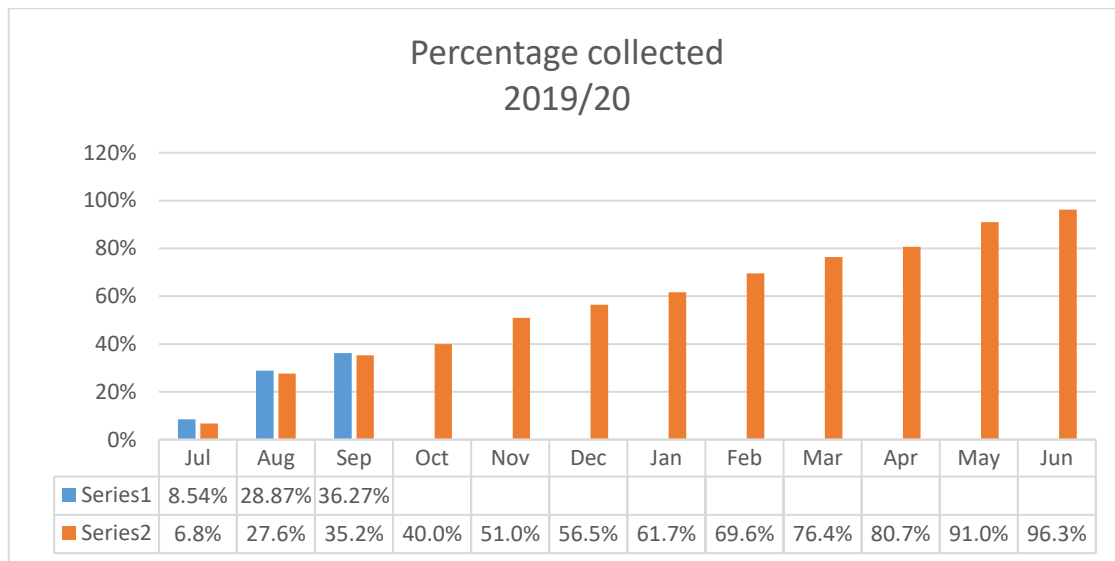
REPORT:

Rates & Charges

At 1st October 2019, the Council has collected 36.27% of the total rates, service charges, arrears and water consumption charges raised in 2019/20 to date – at this time the Council are 1.04% ahead of what was collected at the corresponding time last year. This is due to the water officer adjusting the timing of water readings and the issuing of consumption notices, to align more with Rates collection.

The Council has continued to have success with the collection of some large outstanding rates in the first quarter; therefore, I am confident that the Council will continue to meet the rates collection benchmarks of the last few years. A large outstanding balance in excess of \$17,000 settled recently and a property will be auctioned for unpaid rates on 19th October 2019. This property has an outstanding rates balance in excess of \$20,000.

These ongoing positive results are pleasing. I would like to acknowledge the efforts of the Assistant Revenue Officer and the Water Officer to the Revenue Department.



Debtors

A brief list of outstanding debtors as at the end of August and September 2018 is as follows:-

| DEBTORS | 2019/20 | |
|--------------------------------|---------------------|------------------|
| | End August | End September |
| GENERAL/SUNDRY/OTHER DEBTORS | -\$11,361 | \$102,042 |
| RATES LEGAL FEE DEBTORS | \$0 | \$0 |
| FOOD INSPECTIONS | \$218 | \$218 |
| HALF COST K&G/FOOTPATH DEBTORS | \$111,351 | \$92,117 |
| SEC 355 COMMITTEE LOANS | \$0 | \$0 |
| SWIMMING POOLS | \$0 | -\$0 |
| CEMETERY DEBTORS | \$768 | \$1,598 |
| GOV DEPT GRANTS & SUBSIDIES | \$322,581 | \$161,053 |
| STAFF DEBTORS | \$621 | -\$1,074 |
| STAFF SUPERANNUATION | -\$9,122 | -\$13,227 |
| SHIRE LAND SALE DEBTORS | -\$43,378 | \$5,622 |
| TOCUMWAL AERODROME | \$432 | -\$255 |
| TOTAL | \$372,108.46 | \$348,094 |

The General/Sundry/Other Debtors have increased due to awaiting payment from the ATO. Government Department Grants and Subsidies is also awaiting settlement for grants paid under the stronger country and communities.

The table below shows the Council's outstanding debtors by age and type over the past two months.

It is pleasing to report that debts have generally decreased since the commencement of the new financial year.

The amount of debt outstanding between 30-60 days has decreased these will be repaid and transition to 90 days over time in line with the Council's policy.

| | 90 Days | 60 days | 30 Days | Current | Total Outstanding |
|--------|--------------|--------------|--------------|--------------|-------------------|
| Jun-19 | \$164,410.50 | \$19,331.66 | -\$1,101.32 | \$475,792.24 | \$ 658,433.08 |
| Jul-19 | \$143,796.61 | -\$1,417.32 | \$70,052.26 | \$322,504.03 | \$534,935.58 |
| Aug-19 | \$87,111.99 | \$68,714.63 | \$141,687.44 | \$74,594.40 | \$372,108.46 |
| Sep-19 | \$134,199.27 | \$139,971.44 | -\$47,898.08 | \$121,820.46 | \$348,093.09 |

Activity

One application for hardship was received and approved this quarter.

The amount written off for this quarter is \$2,387.85 and this was due to the generation of annual rates and water notices for the billing period. There were multiple small amounts written off throughout this process. Two recent developer concession applications have been approved which resulted in the writing off of levied charges.

Three applications for relief have been received under Undetected/Significant Leak Policy.

Over the past quarter, the Council has undertaken the following collection activity: Report completed and forwarded to Debt Collection company for unpaid amounts from the 2018/2019 rating period. First instalments were due 31st of August 2019 and only 14% remain outstanding. Second Instalments have will be posted out on or around 11th of October 2019, due 30th of November 2019

Negotiations are ongoing with several ratepayers through our Debt Collection agency. These are largely ratepayers who are in arrears between 2 – 4 years. The amount of ratepayers in this bracket has reduced significantly over the last 12 months.

8.5 IPART DETERMINATION OF RATE PEG FOR 2020/21

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 25.138.1

REPORT:

The Independent Pricing and Regulatory Tribunal (IPART) have released their determination of the Variation of General Income for Local Government for 2020/21 – the “Rate Peg”. IPART has set the rate peg as **2.6%**.

This rate peg is the maximum percentage that the Council can increase its overall General Rate income for the 2020/21 financial year (this Rate Peg percentage does not apply to Council’s service charges), other than an increase derived from growth in assessable properties.

The rate peg does not apply to individual ratepayers’ rates. The rate peg applies to the council’s General Rate in total. The Council has significant discretion to determine how to allocate this increase between different ratepayer categories.

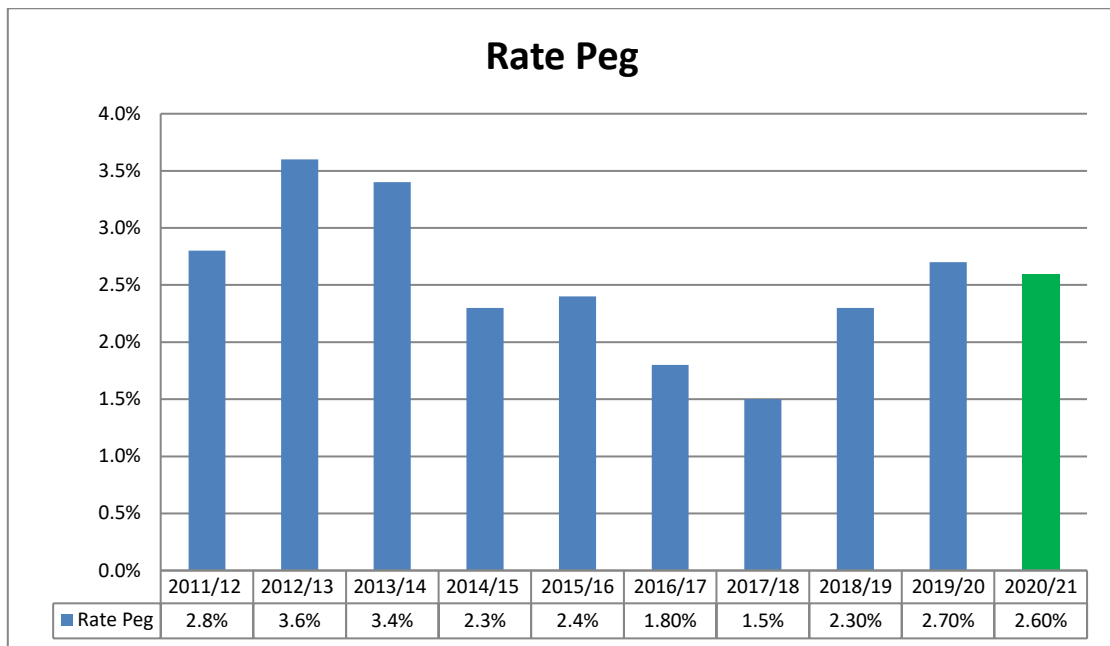
Individual rates are also affected by other factors, such as individual land valuations. Note that all properties in Berrigan Shire were revalued for rating purposes prior to the 2017/18 levy. New Land Valuations will be made available to Council in late 2019 and be used to Levy rates for 2020/21.

The rate peg will now be set in early September each year rather than the beginning of September. This will allow more time to prepare annual budgets, even if not applying for a special variation. This change will improve the community consultation component of the special variation process for councils and enable ratepayers to have a clearer understanding of what is proposed.

The rate peg has been calculated as follows:

- A base amount of 2.6% derived by incorporating four quarters of annual data by using a proxy for the September 2018 quarter.
- A deduction of a 0.00% “productivity factor” has been set this year because improvements in productivity are reflected in the components of the LGCI

This resulted in a rate peg of 2.6% for 2020/21.



Council's Long Term Financial Plan (LTFF) was based on an assumed 2.0% increase in permissible rates income. The actual IPART determination of a 2.6% increase will see the Council's ordinary rate income slightly increase when compared to the current estimates.

An IPART fact sheet on the rate pegging system and the 2020/21 determination is attached as **Appendix "H"**.

8.6 LOCAL GOVERNMENT COMPARATIVES WEBSITE

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 12.019.1

REPORT:

In September, the NSW government launched a new website allowing residents to compare the performance and profile of all 128 councils in NSW.

The website is at <https://yourcouncil.nsw.gov.au>

Attached as **Appendix "I"** is a downloaded version of the website's profile for Berrigan Shire Council. Note that it only includes data up to 30 June 2018.

On the data provided, Berrigan Shire Council appears to be performing over and above its peer group Councils on most measures. That said, the appropriateness and applicability of some of the measures is questionable.

The Office of Local Government (OLG) has been working on new performance measures for NSW local government for some time, with little result to date.

8.7 DEVELOPMENT DETERMINATIONS FOR MONTH OF SEPTEMBER 2019

AUTHOR: Executive Support Officer

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 7.143.7

REPORT:

APPLICATIONS DETERMINED FOR SEPTEMBER 2019

| Application | Description | Property Location | Applicant | Owner | Status | Value | Days Taken | |
|-------------|------------------------------------------------------|------------------------------------------------------------------|----------------------------|--------------------------------------------|------------------------|-----------------|--------------|-------------|
| 12/20/DA/D1 | CONTAINER DWELLING | 11 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot 13//DP1194758) | J M B Modular Buildings | MR M C PETERSEN | Approved 03-09-2019 | \$ 312000.00 | Active 17 | Total 24 |
| 24/20/DA/D5 | RESIDENTIAL STORAGE SHED | 26 DRUMMOND STREET, BERRIGAN NSW 2712 (Lot 52/A/DP2425) | Kevin & Donna Pink | MR K A PINK & MS D COLE | Approved 28-09-2019 | \$ 5500.00 | Active 25 | Total 25 |
| 25/20/DA/DM | RELOCATED DWELLING, DWELLING ADDITION & GARAGE | PLATYPUS DRIVE, BAROOGA NSW 3644 (Lot 2//DP253590) | Joshua & Sarah Boake | MR JB BOAKE AND MRS SR BOAKE | Approved 25-09-2019 | \$ 72000.00 | Active 21 | Total 21 |
| 26/20/DA/D9 | 2 LOT SUBDIVISION | 11-13 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot 1//DP718085) | Nathan & Kate O'Connell | MR G MURDOCH AND K F MURDOCH | Approved 03-09-2019 | \$ 0.00 | Active 5 | Total 5 |
| 7/20/CD/M | INGROUND FIBREGLASS SWIMMING POOL | 1255 BERRIGAN ROAD, LALALTY NSW 3644 (Lot 2//DP530880) | Poolside Cobram | MR RD & MRS PM MODDERKOLK | Approved 05-09-2019 | \$ 18600.00 | Active 3 | Total 3 |
| 8/20/CD/M5 | INGROUND FIBREGLASS SWIMMING POOL | 21 HADLEY STREET, TOCUMWAL NSW 2714 (Lot 18//DP1250358) | Naughtons Pools | MR GJ BROOMHALL AND MRS RJ BROOMHALL | Approved 19-09-2019 | \$ 41790.00 | Active 5 | Total 11 |
| 9/20/CD/M5 | INGROUND FIBREGLASS SWIMMING POOL | 23 HADLEY STREET, TOCUMWAL NSW 2714 (Lot 17//DP1250358) | Naughtons Pools | MR D J BROOMHALL | Approved 19-09-2019 | \$ 41790.00 | Active 5 | Total 11 |
| 27/20/DA/DO | EXTENSION OF RURAL SHED | 101-105 SNELL ROAD, BAROOGA NSW 3644 (Lot 3//DP1131416) | Dean & Melissa Laws | MR DR AND MRS MS LAWS | Approved 18-09-2019 | \$ 10000.00 | Active 10 | Total 10 |
| 28/20/DA/D3 | STORAGE SHED | 24-28 JERSEY STREET, TOCUMWAL NSW 2714 (Lot 231//DP257014) | John Teunon | TECHCONNECTION PTY LTD | Approved 25-09-2019 | \$ 26545.00 | Active 14 | Total 14 |

APPLICATIONS PENDING DETERMINATION AS AT 30/09/2019

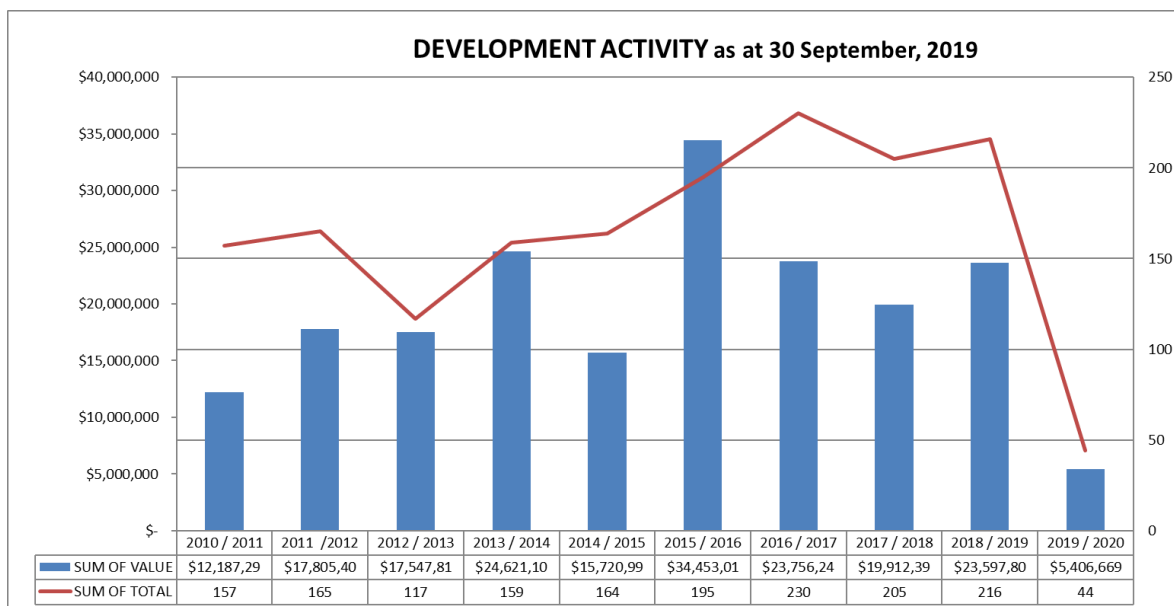
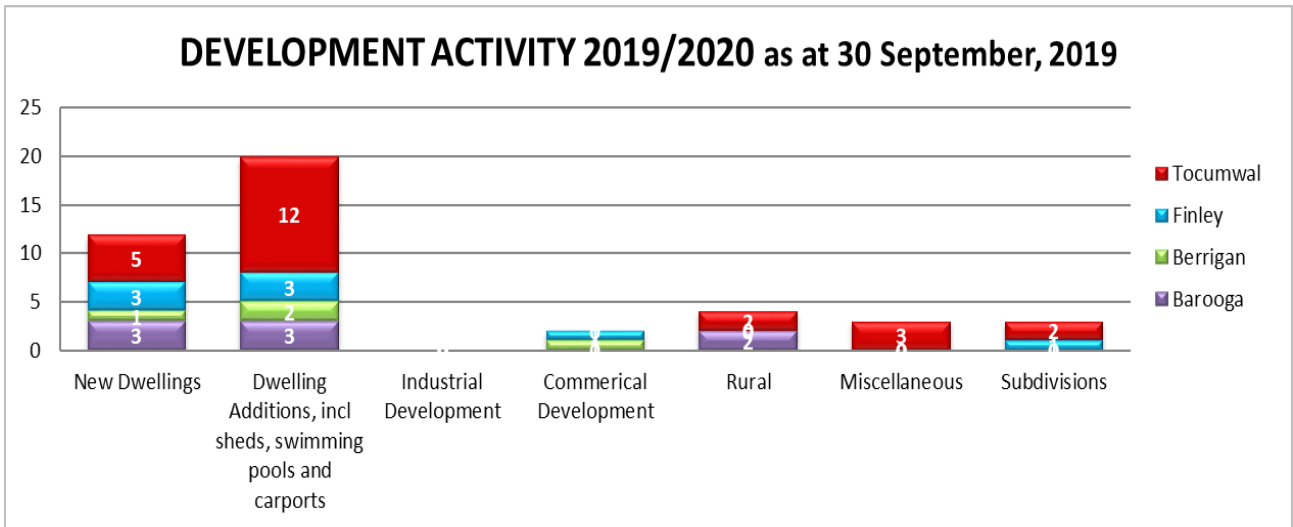
| Application No. | Date Lodged | Description | Property Location |
|-----------------|-------------|-----------------------------------|--------------------------------------------------------------|
| 15/20/DA/D5 | 06-08-2019 | CARPORT | 11-25 CHANTER STREET, BERRIGAN NSW 2712 (Lot 52//DP877191) |
| 17/20/DA/DM | 07-08-2019 | CHANGE OF USE - TO MANUFACTURING | 243 MCCULLOCHS ROAD, TOCUMWAL NSW 2714 (Lot 2155//DP1141367) |
| 29/20/DA/DM | 13-09-2019 | BOAT REPAIRS & SHIPPING CONTAINER | 14-16 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot 6/36//DP758981) |
| 30/20/DA/D6 | 13-09-2019 | PATIO | 23 MOORE STREET, TOCUMWAL NSW 2714 (Lot 7/3//DP6464) |
| 32/20/DA/DM | 19-09-2019 | 6 BAY CARPORT | 60 SCOULLAR STREET, FINLEY NSW 2713 (Lot 1//DP1236476) |
| 33/20/DA/D6 | 19-09-2019 | PATIO & DEMOLITION OF CARPORT | 76-78 KELLY STREET, TOCUMWAL NSW 2714 (Lot 6/19//DP758981) |
| 34/20/DA/D1 | 20-09-2019 | DWELLING & ATTACHED GARAGE | 55 WOODSTOCK ROAD, BERRIGAN NSW 2712 (Lot 2//DP548848) |
| 35/20/DA/D5 | 24-09-2019 | RESIDENTIAL STORAGE SHED | 20 KAMAROOKA STREET, BAROOGA NSW 3644 (Lot 11//DP238626) |
| 36/20/DA/D5 | 24-09-2019 | RESIDENTIAL STORAGE SHED | 12 LORELLE COURT, TOCUMWAL NSW 2714 (Lot 3//DP1067902) |
| 37/20/DA/D5 | 24-09-2019 | RESIDENTIAL STORAGE SHED | 36A BARINYA STREET, BAROOGA NSW 3644 (Lot 2//DP1250698) |
| 38/20/DA/D5 | 25-09-2019 | RESIDENTIAL STORAGE SHED | 5 RIVERVIEW COURT, BAROOGA NSW 3644 (Lot 5//DP1150036) |

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

| | This Month (September) | Year to Date | This Month's Value (September) | Year to Date Value |
|-----------------------------------------------------|---------------------------|-----------------|-----------------------------------|-----------------------|
| <i>Development Applications (DA)</i> | 6 | 35 | \$426,045 | \$3,549,838 |
| <i>Construction Certificates (CC)</i> | 7 | 40 | \$630,947 | \$5,080,496 |
| <i>Complying Development Certificates (CDC)</i> | 3 | 9 | \$102,180 | \$1,856,831 |
| <i>Local Activity (s.68)</i> | 9 | 27 | | |

OTHER CERTIFICATES ISSUED FOR SEPTEMBER 2019

| | s10.7(2) Planning Certificate | | s10.7(5) Certificate | | 735A Certificate Outstanding Notices or Orders under LG Act 1993 | | s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979 | | s6.24 Building Certificate | | Swimming Pool Certificate | |
|--------------|-------------------------------------|---------------|-------------------------|---------------|---------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------|---------------|----------------------------------|---------------|------------------------------|---------------|
| | Sept | Year Total | Sept | Year Total | Sept | Year Total | Sept | Year Total | Sept | Year Total | Sept | Year Total |
| BAROOGA | 13 | 28 | 4 | 4 | | | | | | | 2 | 2 |
| BERRIGAN | 8 | 18 | 1 | 1 | 2 | 3 | 1 | 1 | | | 2 | 4 |
| FINLEY | 12 | 35 | 3 | 4 | 1 | 1 | | | | | 2 | 2 |
| TOCUMWAL | 11 | 42 | 1 | 3 | | | | | 5 | | | |
| TOTAL | 44 | 123 | 9 | 12 | 3 | 4 | 1 | 1 | 5 | | 6 | 8 |



9. COMMITTEES

10. MAYOR'S REPORT

RECOMMENDATION that the Mayor's Report be received.

11. DELEGATES REPORT

12. BUSINESS ARISING